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ATTACHMENT/S:

1. Reply Brief (4 Pages).

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Date: March 12, 2004

By: [Signature]

Willem F. Gadiano, Registration No. 37,136



Docket No.: 4377.0062

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of

Marc J. MCKENNON, et al.

Application No.: 09/859,503

Filed: May 18, 2001

For: PYRIDOPYRIMIDINE COMPOUNDS AND THEIR USES

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:
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Confirmation No.: 5034

Group Art Unit: 1624

Examiner: M. Berch

REPLY BRIEF

Commissioner for Patents
Washington, DC 20231

Sir:

In response to the Examiner's Answer dated January 12, 2004, Appellants respectfully submit this Reply Brief along with an Amendment concurrently filed herewith.

ARGUMENT

Enablement of Assay Method Claims 19-25 Issue

Claims 19-25 stand rejected under 35 U.S.C. § 112, first paragraph. Solely in an effort to advance prosecution and without acquiescing in the legality of the reasons proffered by the

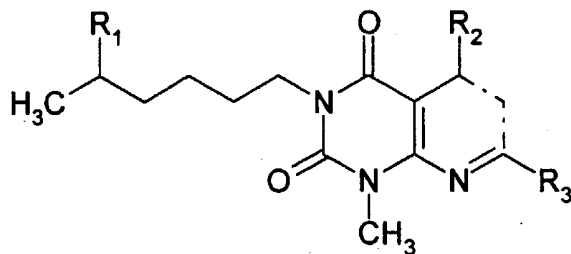
Examiner in support of this maintained rejection, Appellants concurrently submit an Amendment canceling claims 19-25. This rejection is moot.

Enablement To Make Solvates Issue

Claims 1-36 stand rejected under 35 U.S.C. § 112, first paragraph. Solely in an effort to advance prosecution and without acquiescing in the legality of the reasons proffered by the Examiner in support of this maintained rejection, Appellants concurrently submit an Amendment deleting the term "solvates" in the claims. This rejection is moot.

The New Matter Issue

Claims 1, 2 and 18-37 stand rejected under 35 U.S.C. § 112, first paragraph, allegedly because the Examiner believes the second formula in claim 1 lacks description. Solely in an effort to advance prosecution and without acquiescing in the legality of the reasons proffered by the Examiner in support of this maintained rejection, Appellants concurrently submit an Amendment deleting the following formula in the claims:



This rejection is moot.

The "Determining" Issue

Claims 19-25 stand rejected under 35 U.S.C. § 112, second paragraph. Solely in an effort to advance prosecution and without acquiescing in the legality of the reasons proffered by the Examiner in support of this maintained rejection, Appellants have concurrently submitted an Amendment canceling claims 19-25. This rejection is moot.

The "Cellular Process Or Activity" Issue

Claims 19-27 stand rejected under 35 U.S.C. § 112, second paragraph. Solely in an effort to advance prosecution and without acquiescing in the legality of the reasons proffered by the Examiner in support of this maintained rejection, Appellants have concurrently submitted an Amendment deleting "cellular process or activity" in the claims. This rejection is moot.

The Scope Of Claims 23 And 24

Claims 23 and 24 stand rejected under 35 U.S.C. § 112, second paragraph. Solely in an effort to advance prosecution and without acquiescing in the legality of the reasons proffered by the Examiner in support of this maintained rejection, Appellants have concurrently submitted an Amendment canceling claims 23 and 24. This rejection is moot.

The "Thioalkyl" Issue

Claims 1-7 and 18-36 stand rejected under 35 U.S.C. § 112, second paragraph. Solely in an effort to advance prosecution and without acquiescing in the legality of the reasons proffered

by the Examiner in support of this maintained rejection, Appellants have concurrently submitted an Amendment deleting "thioalkyl" in the claims. This rejection is moot.

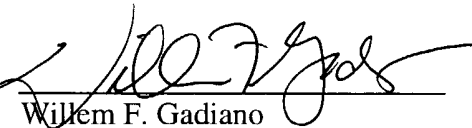
CONCLUSION

In view of the foregoing reasons and the Amendment concurrently filed herewith, Appellants respectfully request that all claim rejections be withdrawn. Appellants hereby reserve the right to file continuing applications for any canceled claim or deleted subject matter.

Please grant any extensions of time deemed necessary. The Commissioner is hereby authorized to charge any deficiency in the small-entity fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper filed hereafter) to Deposit Account No.

14-1140.

Respectfully submitted,
NIXON & VANDERHYE P.C.

By: 
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Date: March 12, 2004

By: 

Willem F. Gadiano, Registration No. 37,136